

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 7, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Linda Steinman
Bob Workman

Commissioners Absent: Larry Hudkins, Vice Chair

Others Present: Norm Akena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 31, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Workman seconded approval of the Board of Equalization minutes dated August 31, 1999. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **MOTOR VEHICLE TAX EXEMPTIONS:**

The Arc of Nebraska
Congregation of Mary Queen
Lincoln Christian School Association
Lincoln Lancaster County Child Guidance Center
Madonna Rehabilitation Hospital

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for The Arc of Nebraska, Congregation of Mary Queen, Lincoln Christian School Association, Lincoln Lancaster County Child Guidance Center and Madonna Rehabilitation Hospital. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- 3) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, September 21, 1999 at 2:30 p.m. in the Commissioners Chambers on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Mark L and Linda T Peniska.

By direction of the Chair, a public hearing was set for Tuesday, September 21, 1999 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for Mark L and Linda T Peniska.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Ant LLC

The Assessor recommended a value of \$17,500 for Ant LLC.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and set the value at \$17,500 for Ant LLC. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

5) **APPROVAL OF A PARTIAL 451 TAX EXEMPTION FOR 1999 ON REAL PROPERTY FOR THE FOLLOWING:**

The Priestly Fraternity of St Peter, Inc.

MOTION: Steinman moved and Workman seconded approval of a partial 451 tax exemption for 1999 on real property for The Priestly Fraternity of St Peter, Inc. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

The Assessor briefed the County Board regarding Item 5 under Old Business on the regular agenda. He explained the refund for 1997 would be approximately \$9.95 and for 1998 the refund would be approximately \$16.60.

6) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf, County Clerk

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Commissioners Absent: Larry Hudkins, Vice Chair

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 31, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Workman seconded approval of the Board of Commissioners minutes dated August 31, 1999. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 7, 1999.**

MOTION: Workman moved and Steinman seconded approval of all claims processed through September 7, 1999. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Exceptional circumstance awards for Sue Jordan and Nancy Richards, employees with Records and Information Management, in the amount of \$200 each. (19991705) (19991737)

MOTION: Steinman moved and Heier seconded approval of one time cash awards for Sue Jordan and Nancy Richards, in the amount of \$200 each. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

B. Report and recommendations from the Rural Address Committee.

Committee members appearing were Kerry Eagan, Chief Administrative Officer, Doug Emery, Postmaster for the City of Lincoln, Randy Evans with Norris Public Power District, Jim Langtry with the County Engineering Department, Doug Ahlberg, Emergency Management Director, Julie Righter with Lincoln 911, Mike DeKalb with the Planning Department, Chuck Zimmerman with Building and Safety and Debra Merriman with Aliant Communications.

Eagan recommended that the County Board accept the report of the Rural Address Committee and authorize the County Engineer to hire the Geographic Information System (GIS) intern who will develop the relational database, direct the County Attorney to draft a resolution establishing a uniform addressing system and also authorize the County Attorney to proceed with drafting interlocal agreements with the various incorporated villages.

Emery stated the Post Office is pleased with the results because they now have a process where new residents may attain an address. He also stated that the system would reflect the geography of where the individual(s) lives.

Eagan highlighted the following recommendations from the Rural Address Committee:

- * Develop a parcel-based database for all rural addresses.
- * Hire an intern to correct inaccurate addresses and assign street addresses in lieu of rural route or box numbers
- * Establish a protocol for the assignment of addresses
- * Establish interlocal agreements with all cities and villages in Lancaster County
- * Support legislation requiring building permits for all rural residences
- * Require posting of address on mailbox or separate marker
- * Establish a GIS-based emergency response system for Emergency Communications
- * Establish a conversion program and time table for changing existing addresses

Submitted into the record was a copy of the report and recommendations from the Rural Address Committee (Exhibit 1).

MOTION: Steinman moved and Heier seconded to accept the report of the Rural Address Committee and authorize the County Engineer to hire the Geographic Information System (GIS) intern who will develop the relational database, direct the County Attorney to draft a resolution establishing a uniform addressing system and also authorize the County Attorney to proceed with drafting interlocal agreements with the various incorporated villages. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

County Special Permit 169, requested by Diamond Head Development Company, LLC, for a recreational facility (golf course and clubhouse) on property located at Northwest 140th Street and West Holdrege Street in Lancaster County, Nebraska. (19991602)

Campbell noted that at the request of Commissioner Hudkins the public hearing would be recessed and reconvened on Tuesday, September 14, 1999 at 1:30 p.m.

Submitted into the record were letters from the following individual(s) (Exhibit 2):

- * Lee and Ruby Bruner, 900 NW 126th Street, Lincoln, NE
- * Richard Duane Hedges, 100 NW 126th Street, Lincoln, NE
- * Robert and Joanne Penner, 3731 NW 126th Street, Lincoln, NE
- * Vernon and Janice Wacker
- * Ken and Kristy Minzel, 12401 W Wendy Lane, Lincoln, NE
- * Don and Elsie Minzel, 11500 W Holdrege, Lincoln, NE
- * Richard H and Roxanna Pickel, 13401 W Adams, Lincoln, NE
- * Larry and Teri Minzel, 11800 W Holdrege, Lincoln, NE
- * Melvin Lostroh, 13701 W Adams, Lincoln NE
- * Carolyn Busboom and Brian Hammer
- * Harold, Verna, Melvin and Linda Deinert
- * Edna M Whitney, 13310 W Holdrege, Lincoln, NE

Campbell opened the public hearing.

J Michael Rierden, attorney representing Diamond Head Development Company, LLC, appeared and stated he would like to opt to make his presentation at next week's meeting.

Campbell asked if anyone else wished to appear in favor of the permit.

No one appeared and the Chair asked if anyone wished to testify in opposition.

Mark Hunzeker, attorney representing individuals residing in the vicinity of the proposed golf course, and stated he would like to defer his presentation until next Tuesday.

Approximately 25 to 30 individuals stood in opposition to the Special Permit.

Richard Hedges, 100 NW 126th Street, appeared in opposition to the Special Permit. He stated he has spent over 40 years in the water well business and has worked with Vince Dreesen, Dr. Schramm and Dr. Reed at the University of Nebraska.

He stated his water contains 56 parts per million of salt and that they must purchase bottled water for his wife, who has high blood pressure. Hedges also noted that Merle Jahde currently has 256 parts per million salt in his water.

Hedges said that it has been reported that they will be using surface water, however, it's been proved that they can't due to the lack of surface water.

Hunzeker stated because he will be out of town next week he would like to point out some issues regarding whether there is sufficient surface water to irrigate a golf course.

He stated several of his clients have golf course operations and they have informed him that they run 50 to 60 million gallons of water per year on a golf course. On a hot, dry day that could amount to as much as three-quarters of a million gallons per day. On a cool, wet day they can run up to 150,000 gallons. Hunzeker stated information produced in relation to the ability of the proposed golf course to irrigate with surface water is based on projections and averages, with the average amount of water required for irrigating being 6.1 to 6.12 million gallons per month. He said the amount of water it takes for June, July and August is 14.5 million gallons per month. Hunzeker stated the stream flow is approximately 2.6 million gallons per month, based on actual measurement of stream flow within the past month. He noted that in 1998 the precipitation was six inches above normal and in 1999 it is four inches above normal. Hunzeker stated there has been back to back wet years producing stream flow which they are presumably relying upon for 92 percent of their irrigation which amounts to less than one-third of their average projected irrigation needs and less than 20 percent of their peak irrigation needs in June, July and August. In a dry year, he said, they would be relying on groundwater for irrigation. Hunzeker added that the numbers don't attempt to account for evaporation. He stated the applicant has acknowledged that the flow into the property is less than 60 gallons per minute.

Hunzeker stated the combination of the geology and the potential for salt water infiltration of domestic wells in the area, together with the substantial underestimation of the amount of surface water available for irrigation, make it very risky for the use of the property as a golf course.

Hunzeker stated that it is the burden of the applicant to prove that the permit and its use will not adversely affect surrounding property. He suggested the Special Permit be denied.

In response to a question asked by Campbell, Hunzeker stated the stream is being used for livestock consumption.

Hunzeker also stated that it is his understanding that they intend to build a dam on the stream.

Heier asked if it precluded someone further upstream from damming up water for use.

Hunzeker responded that someone could build a dam further upstream, however, they have been told by the Department of Water Resources that it may be difficult to obtain a permit to dam the streams. He said there is concern relative to the Endangered Species Act.

In response to a question asked by Steinman regarding distribution of the water, Hunzeker said there are no existing appropriations of record for that particular stream and use of streams for livestock purposes isn't the same as an appropriation for domestic or irrigation purposes.

Kevin Lostroh, 13651 West Adams, appeared in opposition and stated the total of the two stream flows were 49 gallons of water per minute.

Richard Hedges gave additional testimony stating that you cannot drill through salt; the deeper you go, the worse it will get.

The Chair asked if anyone else wished to testify in opposition or in a neutral position.

No one appeared and the public hearing was recessed until Tuesday, September 14, 1999 at 1:30 p.m.

5) **OLD BUSINESS:**

Reconsideration of a previous motion to deny a request from Larry Smith and Alana Dietz-Smith for a refund of real estate taxes. (Original motion made on August 24, 1999) (19991586)

MOTION: Steinman moved and Heier seconded to reconsider a previous motion to deny the refund request and approve the request from Larry Smith and Alan Dietz-Smith for a refund of real estate taxes for 1997, in the amount of \$10.18 and for \$16.76 for 1998. On call Steinman, Workman, Campbell and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

A. An application for a Special Designated License from Barry's Bar and Grill to hold a music concert, with retail sale of food and beverages, on a rural acreage located at approximately 40th and West Van Dorn Streets on Saturday, September 25, 1999 from 12 p.m. to 1 a.m. (19991666) (19991695) (19991708) (19991738)

Michael Webb, applicant, distributed documentation (Exhibit 3) and gave an overview of the event which included the following:

- * Recording artists appearing
- * Location of concert
- * Beneficiaries - Ronald McDonald House and the Child Advocacy Council
- * Attendance
- * Security
- * Emergency vehicles
- * Fenced area
- * Lighting
- * Liquor control
- * Traffic
- * Ingress
- * Sanitation
- * Notification

Terry Wagner, Sheriff, stated one of his concerns was the type of band(s) appearing, however, country western bands draws a different crowd, which is in the County's favor, as well as the fact that Webb knows how to handle a large crowd.

In response to a question asked by Workman, Webb stated they will hire mounted sheriff's patrols who will assist with parking and patrol the outside perimeter. The mounted sheriff's patrols will be able to monitor the entire 80 acres and control those individuals who may attempt to enter the area without purchasing a ticket.

Campbell asked if the crowd was fenced in.

Webb responded yes.

Workman asked Sheriff Wagner if he was concerned about individuals driving home drunk.

Wagner stated he is somewhat concerned, however, that possibility exists anywhere there is a liquor license within the County. He stated they are prepared to conduct traffic enforcement and will do what they can to enforce the law and make people safe.

Larry Worrell, County Surveyor, stated Webb has done a good job addressing the concerns of the Engineering Department.

Jim Morgan, Director of Parks and Recreation, appeared and addressed the following concerns in relation to Pioneers Park:

- * Location of concert in relationship to the property that the park owns
- * No fencing on one of the property lines
- * Security of the Nature Center
- * Litter
- * Environmental risk - concert site drains into the pond system of the Nature Center

Webb stated if it rains prior to the concert the water which would run downhill would do so whether there is concert or not. He stated they do have rain insurance and if it rains on the day of the event the concert will not be held.

He stated the mounted sheriff's patrol would provide security at the south end.

As for litter control, Webb stated that the day after the event cleanup would take place and they would ensure that any cups found in the pasture area belonging to Parks and Recreation would be picked up.

Campbell stated she has asked Webb and the departments involved to attend the staff meeting following the event to present an update.

Morgan explained they are supportive of the event, however, they are not supportive of the confusion which may occur when individuals turn into the park who think the concert is being held at that location. He stated they are asking for some consideration for the security which Parks and Recreation would have to bear the burden for when there is no benefit for them. Morgan stated they would like to see security provided at the Nature Center.

Dave Johnson, Deputy County Attorney, referred to Nebraska Revised Statute 23-813 (Roadhouses; dance halls; carnivals; shows; amusement parks; license required) which requires a license for such an event and also requires the applicant to publish notice in the newspaper of the public hearing regarding the license for two consecutive weeks. Another concern of the County Attorney's Office is the type of insurance in relation to holding the County harmless and indemnifications.

Kerry Eagan, Chief Administrative Officer, stated there is still time to comply with the statute or substantially comply with the statute.

Campbell stated she would like Mr. Webb, Parks and Recreation, Dave Johnson and the Sheriff to meet and put a plan together.

MOTION: Steinman moved and Heier seconded approval of the Special Designated License.

Workman stated he is concerned about the lack of infrastructure and would be voting no on the license.

ROLL CALL: Heier, Campbell and Steinman voted aye. Workman voted no. Motion carried.

- B. A contract with Developmental Services of Nebraska to provide services to persons with developmental disabilities beginning July 1, 1999 and ending June 30, 2000. The County will pay quarterly based upon the number of clients served. (19991707)**

MOTION: Steinman moved and Heier seconded approval. On call Campbell, Steinman, Workman and Heier voted aye. Motion carried.

- C. A contract with Region V for emergency protective care services for other counties, through the Community Mental Health Center, beginning July 1, 1999 and ending June 30, 2000. Region V will pay \$130 per client, per day until a cap of \$23,900 is met, at which time the rate will be \$78 per day, per client. (19991702)**

MOTION: Workman moved and Steinman seconded approval. On call Heier, Workman, Steinman and Campbell voted aye. Motion carried.

- D. A grant contract with Region V Services to provide services to persons with developmental disabilities, beginning July 1, 1999 and ending June 30, 2000. Payments will be made quarterly by the County based upon reports from Region V Services. (19991739)**

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

- E. A contract between Maria Prindes-Lintel and the Community Mental Health Center for psychological services, beginning July 1, 1999 and ending June 30, 2000. The amount of services is for up to and no more than four hours per week, at a rate of \$110 per hour. (19991661)**

MOTION: Steinman moved and Workman seconded approval. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

- F. A resolution in relation to annual salary increases for certain County employees in the County unclassified service. (19991684)**

Dave Johnson, Deputy County Attorney, stated Tim Sopinski, Deputy Public Defender, should be omitted from Exhibit "C" of the resolution due to his salary being set under Item 6H.

MOTION: Steinman moved and Heier seconded approval with the omission of Tim Sopinski, Deputy Public Defender, from Exhibit "C" of the resolution. On call Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- G. Recommendation from the Personnel Policy Board to create the following classifications: (19991733)**

- * Accounting Specialist at a proposed pay grade of \$24,100.96 to \$31,611.84**
- * Security Guard at a proposed pay grade of \$24,100.96 to \$31,611.84**

MOTION: Steinman moved and Heier seconded approval. On call Campbell, Heier, Steinman and Workman voted aye. Motion carried.

- H. Setting of salary for Timothy Sopinski, Deputy Public Defender, at \$40,750 per annum, effective September 7, 1999. (19991716)**

MOTION: Steinman moved and Heier seconded approval. On call Campbell, Steinman, Heier and Workman voted aye. Motion carried.

- I. Appointment of Linda Hunter, Patte Newman and Thomas "Tommy" Taylor to the Lincoln-Lancaster Planning Commission, terms to expire August 24, 2005. (19991701)**

MOTION: Steinman moved and Heier seconded approval. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

J. Appointment of Jim Wrenholt to the Government Access and Information committee, term to expire January 1, 2000. (19991735)

MOTION: Heier moved and Steinman seconded approval. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. A maintenance agreement with A & D Technical Supply Company for a GAF 770 Blueline/Diazo machine for the County Engineer. Annual amount is \$560 to be billed quarterly at the time preventative maintenance call is scheduled. (19991734)

B. Leasehold agreements relating to road improvements with the following:

* **Rick C Erickson on North 70th Street, Interstate 80 to Waverly Road, in the total amount of \$40. (4 contracts) (19991717 through 19991720)**

C. Rights-of-way contracts relating to road improvements with the following:

* **Rick C Erickson on North 70th Street, Interstate 80 to Waverly Road, in the total amount of \$3,694.48. (3 contracts) (19991721 through 19991723)**

* **Clifford M and Delores Erickson on North 70th Street, Interstate 80 to Waverly Road, in the total amount of \$5,601.22. (6 contracts) (19991724 through 19991729)**

MOTION: Heier moved and Steinman seconded approval of the Consent Items. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

8) **EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION:**

Present were Kathy Campbell, Bernie Heier, Linda Steinman and Bob Workman sitting as the Board of Commissioners, Kerry Eagan, Chief Administrative Officer, Diane Staab, Deputy County Attorney and Larry Van Hunnik, Lancaster Manor Administrator.

MOTION: At 3:35 p.m. Steinman moved and Workman seconded to enter into Executive Session regarding potential litigation. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

MOTION: At 3:45 p.m. Heier moved and Steinman seconded to exit Executive Session. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Steinman moved and Workman seconded to adjourn the Board of Commissioners meeting. On call Steinman, Workman, Campbell and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk